

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ERIC J. LESANE,

Plaintiff,

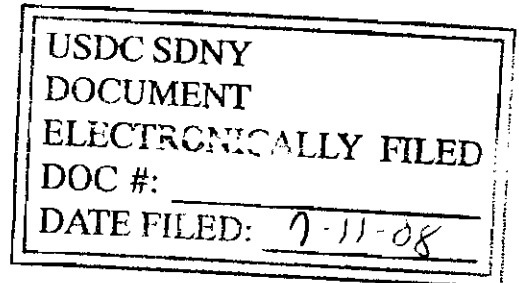
-v-

DEPT. D. MOORE; WARDEN TOM of O.B.C.C.;
and THE DEPARTMENT OF CORRECTION,

Defendants.
-----X

: 08 Civ. 4828 (DLC)

: ORDER AND
: NOTICE OF INITIAL
: PRETRIAL CONFERENCE



DENISE COTE, District Judge:

By a letter dated July 9, 2008, the defendants, through the City of New York Law Department, requests an extension of time to answer the complaint. It is hereby

ORDERED that the defendants' request is granted. Defendants shall answer or move by **September 9, 2008**.

IT IS FURTHER ORDERED that I will hold an initial pretrial conference in this case at the time and place listed below. The purpose of the conference is to discuss settlement and any possible motions you may wish to make, and to set a schedule for discovery. Come with a detailed list of discovery you need and a proposed schedule for discovery. If you are proceeding in this case pro se (without an attorney), you are required to appear personally at this conference. If you have retained an attorney, he or she should attend the conference in your place.

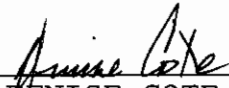
If you cannot attend the conference at the time and date specified, you must request a change in writing, received not later than two business days before the conference. The request must (a) specify the reasons why you cannot attend, (b) state whether the other parties have consented to a change in the conference date, and (c) list alternative dates and times on subsequent Fridays when all parties are available to appear. Unless all parties are notified that the conference date has been changed, it will be held as scheduled.

A copy of this Court's Individual Practices in Civil Pro Se Cases is enclosed. Attorneys and unrepresented parties are directed to consult these rules with respect to communications with chambers, requests for adjournments, and related matters.

YOU ARE DIRECTED (i) TO NOTIFY THE ATTORNEYS FOR EACH DEFENDANT IN THIS ACTION OF THIS ORDER BY SERVING EACH ATTORNEY WITH A COPY OF THIS NOTICE AND THE INDIVIDUAL PRACTICES FORTHWITH, AND (ii) TO FILE PROOF OF SUCH SERVICE WITH THE COURT BY SENDING IT TO THIS COURT'S PRO SE OFFICE, ROOM 230, UNITED STATES COURTHOUSE, 500 PEARL STREET, NEW YORK, NEW YORK 10007. IF YOU ARE UNAWARE OF THE IDENTITY OF COUNSEL FOR A DEFENDANT, YOU MUST FORTHWITH SERVE A COPY OF THE NOTICE AND PRACTICES ON THAT PARTY.

DATE AND PLACE OF CONFERENCE: **SEPTEMBER 19, 2008, AT 2:30 PM**
AT THE UNITED STATES COURT HOUSE, 500 PEARL STREET, NEW YORK, NEW
YORK, IN COURTROOM 11B.

Dated: New York, New York
July 10, 2008



DENISE COTE
United States District Judge

Issued: May 4, 1995

SPECIAL RULES OF PRACTICE IN CIVIL PRO SE CASES
DENISE COTE, UNITED STATES DISTRICT JUDGE

Pro Se Office

United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
(212) 805-0175

COMMUNICATIONS

1. All communications with the Court by a pro se party should be addressed to the Pro Se Office, and must include an affidavit stating that a copy was sent to counsel for all parties.

FILING OF PAPERS

2. All papers to be filed with the Court by a pro se party, along with any courtesy copies of those papers, should be sent to the Pro Se Office.

DISCOVERY

3. All requests for discovery should be sent to counsel for the party. Discovery requests should not be sent to the Court.

MOTIONS

4. **Filing and Service:** All motions, unless brought on by an Order to Show Cause, should be made with a return date six weeks after the date of service. Unless otherwise ordered by the Court, opposing papers must be served and filed within four weeks of service of the motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.
5. All motion papers should include one courtesy copy. All courtesy copies shall be clearly marked as such.
6. **Oral Argument:** Unless otherwise ordered by the Court, argument will not be heard in pro se matters.

INITIAL CASE MANAGEMENT CONFERENCE

7. The Court will generally schedule an initial case management conference within two months of the filing of the Complaint. Incarcerated parties may not be able to attend this or other conferences. If incarcerated parties do not have counsel, a family member or a representative may attend the conference. If a representative is designated, he or she should contact Gloria Rojas, Courtroom Deputy Clerk - telephone number (212) 805-0097, to determine the location of the conference. The Judge will also have a transcript of the conference sent to the incarcerated party. If an incarcerated party does not have counsel and a representative cannot be sent to a conference, the pro se party should write to the Judge regarding any issue the pro se party wishes to have addressed at the conference.

TRIAL DOCUMENTS

8. Within 30 days of the completion of discovery unless otherwise ordered by the Court, a pro se plaintiff shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: 1) a statement of the facts plaintiff hopes to prove at trial; 2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and 3) a list of the names and addresses of all witnesses plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. The pro se plaintiff shall file an original of this Statement with the Pro Se Office and serve a copy on all defendants or their counsel if they are represented. The original Statement must include a certificate stating the date a copy was mailed to the attorney for the defendant. Two weeks after service of plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.
9. At the time of filing the Pretrial Statement, any parties represented by counsel must also submit proposed findings of fact and conclusions of law, if the case is to be tried to the Court, or a proposed jury charge, if it will be tried before a jury. The pro se party may also file either proposed findings of fact and conclusions of law or a proposed jury charge, but is not required to do so.

COPIES SENT TO:

Eric J. Lesane
241-05-1706
Otis Bantum Correction Cenetr
16-00 Hazen Street
East Elmhurst, NY 11370

Caryn Rosencrantz
Katherine E. Smith
The City of New York Law Dept.
100 Church Street
New York, NY 10007